

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Civil Action No. 1:18-cv-12218-GBD

MANFRED LAGEMANN, an individual; STEVEN KOENIG, an individual;
MITCH STERCKX, an individual; AIVARAS CEPELIS, an individual;
ROLAND MAWLABAUX, an individual; CAMERON PATTISON, an individual;
THI THANH XUAN DIANA VU a/k/a DIANA VU, an individual;
EDMOND TRUONG, an individual; VITALIY RUDENKO, an individual;
and YEW HWEE NG, an individual;

Plaintiffs,

v.

JEREMY SPENCE, an individual; JAIME CRUZ-HERRERA, an individual;
JOHN DOE NO. 1 a/k/a BLACKXANTUS, an individual;
GERARD SPENCE, an individual; and EMILY SPENCE, an individual;

Defendants.

WAIVER OF SERVICE OF SUMMONS

To:	David C. Silver, Esq. Silver Miller 11780 W. Sample Road Coral Springs, FL 33065 E-mail: DSilver@SilverMillerLaw.com
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I, JEREMY SPENCE, acknowledge receipt of your request that I waive service of summons in the above-captioned action.

I have also received a copy of the Complaint in the action, a copy of this instrument, and have a means by which I can return the signed waiver to you without cost to me (*i.e.*, electronic mail).

I agree to save the cost of service of a summons and an additional copy of the Complaint in this lawsuit by not requiring that I (or the party on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the party on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I acknowledge receipt of Plaintiffs' Motion for Temporary Restraining Order (filed on January 10, 2019) and Plaintiffs' Motion for Expedited Discovery (filed on January 11, 2019); and I will respond to those motions accordingly. This waiver of service does not include any stipulations from

the parties regarding those two motions; and the parties retain all rights and/or defenses to move or object to those motions.

I also understand that I, or the entity I represent, must file and serve an Answer or motion under Rule 12 within sixty (60) days after January 15, 2019, the date when this request was sent (or ninety [90] days if it was sent outside the United States). If I fail to do so, a default judgment may be entered against me or the entity I represent.

ACKNOWLEDGMENT OF RECEIPT OF SUMMONS AND COMPLAINT

I declare under penalty of perjury that I received a copy of the summons and of the Complaint in this case on the 15th day of January 2019 via electronic mail.

JEREMY SPENCE, an individual

BY: _____

(Signature)

Jeremy Spence

(Print Name)

95 Horatio St. New York NY 10014

(Current Address)

(Current Address)

(Current Address)

Date of Signature: January 17, 2019

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons) and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.